

FILED

IN THE UNITED STATES DISTRICT COURT 2010 MAY 28 DB

MIDDLE DISTRICT OF TENNESSEE

**U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN.**

AT NASHVILLE

**CHARLIE T. STRUCKEL,
Plaintiff,**

vs.

**AUSTIN PEAY STATE
UNIVERSITY,
Defendant.**

)

)

) **Case No.:**

)

) **JUDGE**

) **MAGISTRATE JUDGE**

)

) **JURY DEMAND**

COMPLAINT

Comes the Plaintiff, CHARLIE T. STRUCKEL, by and through counsel, Robert J. Martin , and sues the Defendant, AUSTIN PEAY STATE UNIVERSITY, and for her cause of action does state as follows:

1. This is a civil action brought under the authority of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 1981 and 1983, for damages suffered as a result of Defendant's discriminatory sexual harassment of female officers, and subsequent retaliation, retaliatory harassment and hostile work environment, as a result of participating as a witness in the university's EEO process investigating discrimination claims of female officers against the APSU Chief of Police;

2. Venue herein is proper under 28 U.S.C. § 1391, since the Plaintiff was employed by the Defendant who is located at P.O. Box 4507, Clarksville, Montgomery County, TN 37044;

3. The Plaintiff, CHARLIE T. STRUCKEL, is a United States citizen residing in Clarksville, Montgomery County, State of Tennessee;

4. The Defendant, AUSTIN PEAY STATE UNIVERSITY, is a State created entity controlled by the Tennessee State Board of Regents, a political subdivision of the State of Tennessee, created pursuant to the laws of the State of Tennessee, Tenn. Code Ann. § 49-8-101 *et. seq.* (2004). Defendant APSU is a person within the meaning of 42 U.S.C. § 2000-e(a) and an employer within the meaning of 42 U.S.C. § 2000-e(b);

The Defendant is an enterprise engaged in a business affecting commerce and has had fifteen (15) or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year;

5. Specifically, for cause of action, Plaintiff, CHARLIE T. STRUCKEL, is a Caucasian male, avers that he began his employment with the Defendant on November 1, 2004. At all times material hereto, he was Captain of the APSU police department;

6. On or about December 2008, he participated as a witness in APSU's internal EEO investigation of charges filed by female officers against the Chief of Police;

7. He told the truth therein, and corroborated that he had indeed witnessed sexual harassment and/or discrimination perpetrated by the Chief of Police;

8. Thereafter, the plaintiff has been subjected to working in a hostile work environment, retaliatory harassment and retaliated against in violations of Title VII 42 U.S.C. §§ 1981 & 1983;

9. The Plaintiff suffered adverse employment actions because of the protected conduct described above. Following his participation as a witness in the University's EEO process, APSU adversely changed the terms, conditions, and privileges of Plaintiff employment. Such adverse changes included: threatening, reprimanding, and harassing him, issuing negative performance evaluations, forcing him to work under abnormal assignments and conditions, denying him job benefits, and otherwise materially and adversely affecting him;

10. The Plaintiff thereafter filed the appropriate charges with the EEOC and received his right to sue letter on March 3, 2010, which is attached hereto and marked as Exhibit "A";

11. This conduct by the Defendant constitutes a violation of the Civil Rights Act of 1964, 42 U.S.C. §§ 1981 and 1983, retaliatory harassment, and Title VII retaliatory hostile work environment;

12. The Defendant's discriminatory practices as alleged herein have caused Plaintiff to suffer severe emotional distress and mental anguish, as well as other physical maladies which Plaintiff has experienced as a result of having to deal with Defendant's discriminatory practices;

13. The Defendant's discriminatory practices as alleged herein have caused Plaintiff to suffer lost wages, both in the past and in the future; and,

2. Costs and attorney's fees associated with being forced to litigate this action and to protect her rights under both state and federal law;

3. Prospective and equitable relief such as the Court may deem proper to prevent the Defendant from or otherwise discriminating against the Plaintiff in the future;

4. Such other relief as the Court may deem proper; and,

5. Plaintiff demands a jury to try this cause.

Respectfully submitted,



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